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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,518	12/13/2001	Ian James Rickards	750036.401C1	5934

500 7590 06/21/2002

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EXAMINER

HARTMANN, GARY S

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 06/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,518

Applicant(s)

RICKARDS, IAN JAMES

Examiner

Gary Hartmann

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 16-18, 20, 23, 24 and 33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 16-18, 20, 23, 24 and 33 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: all recitations including S.I. units must be accompanied by their equivalent in English units. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-13 and 16-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1-3, 6, 8-10, 12, 13, and 17, the term "about" may not be included in a range limitation since the term renders the range limits indefinite.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1-13, 16-18, 20, 23, 24, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ciraud (WO 87/07921) in view of Abd. El Halim (U.S. Patent 4,737,050). Ciraud discloses advancing a compactor having a lower run of at least one belt (8) over a mat that has been freshly laid by a paver. Ciraud does not teach the surface to be asphalt. Abd. El Halim teaches using an apparatus having a belt in order to compact hot asphalt. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the compactor of Ciraud with an asphalt surface in order to easily pave a narrow section, such as a bike path, for example. Regarding the limitations of duration and load, these references are silent. Therefore, load and duration is inherently left to one skilled in the art in order to ideally suit a particular application. The duration and load ranges as claimed, therefore, would have been obvious to one of ordinary skill in the art at the time the invention was made to have used in order to obtain a desired resulting pavement structure.

Regarding the limitations of spacing, connection to, and control, it is standard practice in paving to utilize these functions in order to obtain a desired resulting structure; and it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used these configurations for this purpose.

Regarding the limitations of heating the belt, the limitations would inherently be met when the belt was passed over the surface due to simple heat transfer.

Regarding the structure of claims 20, 23, and 24, Ciraud discloses all of the limitations (Figure 2, for example).

6. Claims 1-13 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abd. El Halim (U.S. Patent 4,737,050) in view of either Jeppson (U.S. Patent 4,175,885) or

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Sandström (U.S. Patent 4,175,885). Abd. El Halim discloses a method of compacting a mat of hot asphalt which includes advancing a compactor having a belt (13) at a pressure of less than the overload pressure of the asphalt. In view of this teaching, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used an overload pressure within the claimed range in order to avoid exceeding the overload pressure. Sandström and Jeppson each teach advancing compactors at very low speeds. In view of these teachings, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the range as claimed in order to properly compact the asphalt, as taught by both Sandström and Jeppson.

7. Claims 1-13 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moorhead (U.S. Patent 3,832,079) in view of Stowell et al. (U.S. Patent 5,215,402). Moorhead discloses advancing a compactor having a lower run of at least one belt (8) over a mat that has been freshly laid by a paver. Moorhead does not teach the surface to be asphalt. Stowell et al. teach using an apparatus for an identical purpose on hot asphalt. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the compactor of Moorhead with an asphalt surface in order to obtain a desired surface configuration on an asphalt surface, as taught by Stowell et al. Regarding the limitations of duration and load, these references are silent. Therefore, load and duration is inherently left to one skilled in the art in order to ideally suit a particular application. The duration and load ranges as claimed, therefore, would have been obvious to one of ordinary skill in the art at the time the invention was made to have used in order to obtain a desired resulting pavement structure.

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Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The additional references teach apparatuses for compacting surfaces.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Hartmann whose telephone number is 703-305-4549. The examiner can normally be reached on Monday through Friday, 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 703-308-3870. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

gh
June 17, 2002



**Gary Hartmann
Primary Examiner
Art Unit 3671**